

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 RKF RETAIL HOLDINGS, LLC,

5 Plaintiff,

6 v.

7 TROPICANA LAS VEGAS, INC.,

8 Defendant.

Case No. 2:14-cv-01232-APG-GWF

Consolidated with: 2:15-cv-01446-APG-GWF

**ORDER (1) DENYING AS MOOT
MOTION FOR SUMMARY JUDGMENT
AND (2) DIRECTING MOTION TO
SEAL BE FILED IF ANY PARTY
DETERMINES THAT ECF NO. 63
SHOULD REMAIN SEALED**

(ECF Nos. 63, 64)

11 RKF RETAIL HOLDINGS, LLC,

12 Plaintiff,

13 v.

14 EASTERN REAL ESTATE LLC,

15 Defendant.

17 Defendant Tropicana Las Vegas, Inc. filed a motion for summary judgment under seal
18 (ECF No. 63) and filed a publicly accessible redacted version (ECF No. 64). I deny the motion
19 for summary judgment without prejudice as moot because the parties are in the process of
20 briefing summary judgment on a more fulsome evidentiary record following the close of
21 discovery.¹ See ECF Nos. 89 (setting dispositive motion deadline for May 9, 2017); 108
22 (defendant Eastern Real Estate LLC's motion for summary judgment); 110 (defendant
23 Tropicana's motion for summary judgment); 140 (plaintiff's opposition to both motions). I
24 therefore will consider Tropicana's arguments in relation to the later motion.

25 Tropicana previously moved to seal portions of its first summary judgment motion. ECF
26 No. 66. That motion was denied without prejudice. ECF No. 67. No further motion to seal was

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28 ¹ Some discovery disputes remain outstanding. See ECF Nos. 101, 102, 114, 127.

1 filed. If any party determines that any portion of the filing should remain sealed, that party must
2 file a renewed motion to seal along with a proposed redacted version of the filing. Any motion to
3 seal must set forth compelling reasons to support sealing those portions. If a motion to seal is not
4 filed by any party within 20 days of the date of this order, defendant Tropicana's motion for
5 summary judgment (ECF No. 63) shall be unsealed.

6 IT IS THEREFORE ORDERED that defendant Tropicana Las Vegas, Inc.'s motion for
7 summary judgment (**ECF Nos. 63, 64**) is **DENIED as moot**.

8 IT IS FURTHER ORDERED that if any party determines that any portion of defendant
9 Tropicana Las Vegas, Inc.'s motion for summary judgment (ECF No. 63) should remain sealed,
10 that party must file a renewed motion to seal along with a proposed redacted version of the filing.
11 Any motion to seal must set forth compelling reasons to support sealing those portions. If a
12 motion to seal is not filed by any party within 20 days of the date of this order, defendant
13 Tropicana Las Vegas, Inc.'s motion for summary judgment (ECF No. 63) shall be unsealed.

14 DATED this 6th day of July, 2017.

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17 ANDREW P. GORDON
18 UNITED STATES DISTRICT JUDGE
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